



Energy Efficiency and Conservation Block (EECBG) Program

Getting Started on your EECBG Projects

Please use this document as a guide to starting project work under the EECBG Program.

Specific questions can be answered by contacting the Energy Office 302-735-3480.

EECBG Sub-grantees must follow the procurement guidelines outlined in the USDOE Program Guidance and in Federal Code:

EECBG Program Notice 10-014:

http://www1.eere.energy.gov/wip/pdfs/eecbg_procurement_guidance.pdf

10 C.F.R. § 600.236:

http://edocket.access.gpo.gov/cfr_2008/janqtr/pdf/10cfr600.236.pdf

Step 1. Procurement of Products and Services

A. Determine the appropriate procurement process option for your project

Option 1: Existing, competitively bid government procurement process

If a contract has been previously competitively bid using a formal government procurement process for services similar to those required under the EECBG program, you can leverage the existing contract without issuing another procurement process as long as the contract complies with all the American Recovery and Reinvestment Act (ARRA) Requirements. This includes Davis-Bacon labor and wage requirements, the Buy American requirements for all iron, steel, and manufactured goods, and waste stream management.

Option 2: Formalized State/Local Government Procurement Process

If the Sub-grantee has a formalized procurement process (i.e. written procedures that reflect applicable state and local laws and regulations), then the sub-grantee should follow the formalized procurement process for EECBG funded projects. The procurement process must comply with all the federal regulations and requirements of the American Recovery and Reinvestment Act (ARRA).

Option 3: Federal Procurement Regulations and Process

If a sub-grantee does not have a formalized procurement process, the sub-grantee must follow federal procurement regulations. Please see [EECBG Program Notice 10-014](#) for additional details.

- 1) **Small purchase procedures**-- If the total cost of goods and services under the contract is less than \$100,000.00, the U.S. Department of Energy permits “small purchase procedures” to be used. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$100,000.00. Small purchase procedures require price or rate quotations to be obtained from an adequate number of qualified sources. Delaware Energy Office recommends soliciting bids from at least three (3) companies.
- 2) **Sealed Bids and Competitive Proposals**-- If the total contract is for \$100,000.00 or more, the U.S. Department of Energy requires the following procurement processes to be used:
 - a. **Sealed bids**- Sealed bids (formal advertising) are publicly solicited and a firm fixed-priced contract is awarded to the bidder whose bid meets the terms and conditions of the invitation for bids and is the lowest in price.
 - b. **Competitive Proposals**- Procurement by competitive proposals is normally conducted with more than one source submitting an offer and either a fixed-price or cost-reimbursement type contract is awarded. The sub-grantee will use a Request for Proposals (RFP) process to make the award selection.

B. ARRA Requirements must be included in your procurement process

- Include a description of the EECBG program and your approved projects. Note that the project will be funded using federal funding from the American Recovery and Reinvestment Act (ARRA).
- Include ARRA requirements in the procurement document in order to ensure that all vendors and contractors bidding for the job are aware of and understand the conditions that apply to ARRA funded projects including, but not limited to, Davis-Bacon Act prevailing wage requirements and the Buy American Provisions. Eligible Contractors must have a Delaware business license and be registered in the Central Contractor Registry (CCR). The website is: <https://www.bpn.gov/ccr/default.aspx>

- Include a copy of the current federal Wage Determination for your county. Wage Determinations are found at www.wdol.gov . These will be the wages used to complete the project and must be included in the contract.

C. Draft the RFP/ Bid Solicitation

If you are using a procurement method outlined in Option 3, you will now draft and release a Request for Proposals (RFP). Follow the bid process outlined by state/local government procurement procedures.

Solicit and take actions to encourage bids from Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) whenever they are potential sources, in addition to any existing customer bidders list already established by your local government. The directory can be found at:

<http://gss.omb.delaware.gov/omwbe/certdir.asp>

D. Conduct the Bid Review

Review bids/proposals according to the procedure outlined in your RFP and select the winning contractor. You must document your procurement process, including all vendors and contractors that submitted bids and any MBE/WBE.

E. Develop a Procurement Contract with the Winning Contractor

The contract **must** include the following:

- A clear and accurate description of the technical requirements for the material, product, or service to be procured (i.e. scope of work).
- Pricing for materials, components, labor and other cost elements.
- A timeline for scope of services to be performed.
- The Subgrant FlowDown Provisions included as Attachment B in your EECBG contract with DNREC. Sub-grantees must “flow down” these requirements in all subcontracts. A copy of the flow down document can be found on the Delaware Energy Office website.
- The appropriate wage determination, found at: www.wdol.gov
- Any other procurement and contractual provisions specific to the sub-grantee, such as requirements from local ordinances.

Step 2. Proceed with Project Work

A. Start the project

After the contract has been executed with your contractor and relevant requirements have been met, you may begin project work. Please notify DEO if you have changed the project timeline as previously submitted.

The contractor should obtain any required permits, ensure the safety and structural integrity of any repair, replacement, construction and/or alteration, and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

The following notices must be posted on the work site:

- Whistleblower Rights and Protections Poster
<http://www.recovery.gov/Contact/ReportFraud/Documents/WhistleblowerPoster.pdf>
- WH-1321 Employee Rights Under the Davis Bacon Act Poster
<http://www.dol.gov/whd/programs/dba/wh1321.htm>
- the DBA wage and fringe rates for the county where the work is occurring

B. Submit Weekly Certified Payrolls to DEO

Sub-grantees are required to maintain and mail original payrolls to DEO **on a weekly basis.**

- Sub-grantees may collect original payrolls from contractors and subcontractors and submit to DEO, so long as submissions are done on a weekly basis.
- Use the U.S. Department of Labor (DOL) payroll form WH347 for Davis-Bacon payroll submission. The payroll form can be downloaded electronically at:
<http://www.dol.gov/whd/forms/wh347.pdf>.

C. Submit Monthly Reports to DEO

While your project is underway, you will need to submit monthly reports to DEO using the *EECBG Monthly Reporting Form*.

- The reporting form and instructions can be downloaded at:
<http://www.dnrec.delaware.gov/energy/information/Documents/EECBG/EECBG%20Reporting%20Form.pdf>

Step 3. Grant Award Payments

A. Submit Invoices to DEO

EECBG sub-grants will be paid by reimbursement. Reimbursement request will be submitted and processed as needed, but must be sent with or after the submission of the concurrent monthly report. Invoicing instructions and form are available on the EECBG Page of the Delaware Energy Office website:

<http://www.dnrec.delaware.gov/energy>

- Invoices will not be paid if there is an outstanding issue with the monthly reporting and/or any other grant requirements.
- It is anticipated that reimbursement will be made to the sub-grantee within 21 business days of receipt of invoices.
- Invoices should come to DEO directly from the sub-grantee.

Please contact the Delaware Energy Office with ANY questions regarding the procurement process, ARRA requirements, or any other program specifics.

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